

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 5/10/2016	(3) CONTACT/PHONE Brandi Cummings, Planner/(805)781-1006	
(4) SUBJECT Hearing to consider an appeal by Dana Merrill of the Planning Commission approval of a Conditional Use Permit to allow the phased expansion of existing winery operations, located at 5036 South El Pomar Road, approximately 7 miles east of the community of Templeton, and to consider approval of the Conditional Use Permit and adoption of the Mitigated Negative Declaration pursuant to CEQA. District 5.			
(5) RECOMMENDED ACTION It is recommended that the Board adopt the resolution denying the appeal by Dana Merrill and affirming the decision of the Planning Commission subject to the findings and conditions set forth in Attachment #1 to this staff report.			
(6) FUNDING SOURCE(S) Appeal fee and Department Budget	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> Hearing (Time Est. <u>40 minutes</u>) <input type="checkbox"/> Board Business (Time Est. <u> </u>)			
(11) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A Date: <u> </u>	
(17) ADMINISTRATIVE OFFICE REVIEW Lisa M. Howe			
(18) SUPERVISOR DISTRICT(S) District 5			



County of San Luis Obispo

TO: Board of Supervisors

FROM: Planning and Building / Brandi Cummings, Planner

VIA: Ellen Carroll, Planning Manager/Environmental Coordinator

DATE: 5/10/2016

SUBJECT: Hearing to consider an appeal by Dana Merrill of the Planning Commission approval of a Conditional Use Permit to allow the phased expansion of existing winery operations, located at 5036 South El Pomar Road, approximately 7 miles east of the community of Templeton, and to consider approval of the Conditional Use Permit and adoption of the Mitigated Negative Declaration pursuant to CEQA. District 5.

RECOMMENDATION

It is recommended that the Board adopt the resolution denying the appeal by Dana Merrill and affirming the decision of the Planning Commission subject to the findings and conditions set forth in Attachment #1 to this staff report.

DISCUSSION

Background

The Planning Commission considered the proposed project during a public hearing on February 11, 2016. The Commission comprehensively discussed the project issues including noise, vacation rentals on Williamson Act land, amplified outdoor music, and the area-wide events. The Commission ultimately voted to unanimously approve the project, with Conditions of Approval that limited the number of events to two per month and the amplified music until 9:30 p.m. On February 25, 2016, Dana Merrill filed an appeal of Condition of Approval #2.

Project Description

Winery Expansion

The three phase development was previously approved in 2008 by a Minor Use Permit (DRC2006-00249). As approved, the project authorized the following phased development:

Table 1: Approved Development under DRC2006-00249

Phase	Vesting Required By	Project	Case Production	Status
Phase 1	2015	Residence conversion to tasting room and office; shop conversion to processing facility and crush area	5,000	Vested 2009
Phase 2	2015	Conversion of two shop buildings to barrel storage; expansion of wastewater facility	15,000	Expired 2015
Phase 3	2018	Construction of new processing facility	30,000	Valid through 2018

Phase 1 of the previously approved project was vested and finalized on March 18, 2009. Phase 2 was required to be vested by 2015 and lapsed since no time extensions were filed. Phase 3 is required to be vested by 2018. Also approved with the phased development were six special events throughout the year with up to 80 attendees each.

The proposed project comprises of the phased expansion of the existing winery, including re-approval of the original and expired Phase 2 (now Phase 1), extension of the vesting timeline for Phase 3 (now Phase II), as well as an increase to the existing special events program from 6 events with up to 80 people each to 25 events with up to 200 people each.

At buildout the winery will total 19,040 sf and the tasting room will total 1,348 sf. The concept of the project as a whole is to include and conduct all aspects of wine making on-site including: harvest, crushing, fermentation, barrel aging, blending, bottling, and case storage.

The project site currently contains about 95 acres of grape vines. Wine production at buildout is estimated to be 30,000 cases annually.

Special Events

The proposed special events program includes 25 events throughout the year with a maximum of 200 attendees each. The applicant will participate in wine industry-wide events and other related events established during event weekends as currently allowed by Ordinance. The request also includes outdoor amplified music past 5:00 p.m. until 10:00 p.m.

Appeal Issues

Issue #1: Condition of Approval #2 – Applicant’s Request for Appeal: “The original condition as drafted by the project planner authorized 25 special events with no more than 200 attendees and outdoor amplified music past 5:00 p.m. (10:00 a.m. to 10:00 p.m.) consistent with the applicant’s request.”

Staff Response: The original condition of approval as written by staff was as follows:

This approval authorizes 25 special events per year with no more than 200 attendees in addition to wine industry wide events. Amplified music past 5:00 p.m. is permitted and subject to Conditions 48-50.

After deliberation the Commission modified this condition of approval to read:

This approval authorizes two special events per month for no more than 200 attendees in addition to wine industry wide events. Amplified music between the hours of 10:00 a.m. and 9:30 p.m. is permitted and subject to Conditions 48-49. Maximum noise levels shall not exceed 65 dB as measured at the property line. No events shall be located at or associated with the vacation rental.

Conditions 48-49 require the applicant to submit to the County a copy of the rental agreement for groups making use of the site and mandates that the rental agreement reiterate the maximum noise level of 65dB. Additionally the applicant shall designate a noise monitor for events that include outdoor amplified music and the monitor shall assess hourly sound levels at the property lines.

Table 2: Condition of Approval #2 – Approved v. Requested

Condition	Events	Amplified Music
Condition #2 Approved by the Planning Commission	2 per month = 24 per year	10:00 a.m. until 9:30 p.m.
Condition #2 Requested by the Appellant/Applicant	25 throughout the year with no monthly cap	10:00 a.m. until 10:00 p.m.

The appellant/applicant is requesting that Condition of Approval #2 be modified to read as follows:

This approval authorizes 25 special events per year with no more than 200 attendees in addition to wine industry wide events. Amplified music between the hours of 10:00 a.m. and 10:00 p.m. is permitted and subject to Conditions 48-49. Maximum noise levels shall not exceed 65 dB as measured at the property line. No events shall be located at or associated with the vacation rental.

The Commission during its deliberation discussed the area-wide concerns regarding the magnitude of events and the noise and traffic issues associated with events. They identified that weekends during the summers are particularly a major concern, as multiple events occur at the same time and the traffic and noise issues are compounded. For these reasons, staff recommends upholding Condition #2 as approved by the Commission.

OTHER AGENCY INVOLVEMENT/IMPACT

The project was referred to County Public Works, Environmental Health, Agriculture Commissioner, Cal Fire, and the Templeton Area Advisory Group. None of the agencies identified any issues with the request to increase special events. In addition, County Counsel has reviewed and approved the attached resolution with findings and conditions.

FINANCIAL CONSIDERATIONS

This appeal was accompanied by an \$850.00 appeal fee. This appeal was processed using department allocated general fund support as well as the fee.

RESULTS

Affirming the Planning Commission's decision and denying the appeal would uphold the Planning Commission's condition limiting special events to two times per month and ending amplified music at 9:30 p.m. The condition also specifies that maximum noise shall not exceed 65 dB as measured at the property line, and that no events shall be located at or associated with the vacation rental.

Upholding the appeal would allow for 25 events throughout the year with a maximum of 200 people each and amplified past 5 p.m. (10:00 a.m. and 10:00 p.m.).

This hearing is consistent with communitywide results of encouraging a safe, healthy, and livable community.

Staff report prepared by Brandi Cummings and reviewed by Airlin Singewald.

ATTACHMENTS

1. Attachment 01 - Resolution Denying Appeal with Findings and Conditions of Approval
2. Attachment 02 - Appeal Letter, Kirk Consulting, February 25, 2016
3. Attachment 03 - Draft Minutes from Planning Commission Hearings of February 11, 2016
4. Attachment 04 - Staff Report from the Planning Commission hearing of February 11, 2016
5. Attachment 05 - Approved Findings from Planning Commission Hearing of February 11, 2016
6. Attachment 06 - Approved Conditions of Approval from Planning Commission Hearing of February 11, 2016
7. Attachment 07 - Location Map